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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 JOHN ROBERT DEMOS,

9 Plaintiff,

10 v.

11 DONALD HOLBROOK, et al.,

12 Defendants.

Case No. C19-1735-JLR-MAT

REPORT AND RECOMMENDATION

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14 Plaintiff John Demos, a state prisoner, has filed a proposed civil-rights complaint, a
15 proposed amended complaint, and a proposed supplement to his amended complaint. (Dkts. 1-3.)
16 He did not pay the filing fee or submit an application to proceed *in forma pauperis* (“IFP”).
17 Plaintiff was convicted in 1978 of attempted rape and first-degree burglary and was sentenced to
18 an indeterminate sentence of 240 months to life in prison. *See State v. Demos*, 619 P.2d 968 (Wash.
19 1980). Plaintiff is well-known locally and nationally as an abusive litigant. He is under pre-filing
20 bar orders in a number of courts, including this Court, the Eastern District of Washington, the
21 Washington State courts, the Ninth Circuit Court of Appeals, and the United States Supreme Court.
22 *See, e.g., Demos v. Storrie*, 507 U.S. 290, 291 (1993). An Order of this Court provides for the
23 return without filing of any petition that seeks an extraordinary writ pursuant to 28 U.S.C. §§ 1651,

2253 or 2254, unless accompanied by the filing fee. *See Demos v. Stanley*, MC97-0031-JLW (W.D. Wash. Mar. 13, 1997). In addition, plaintiff may submit **only three IFP applications and proposed actions** each year. *See In re John Robert Demos*, MC91-269-CRD (W.D. Wash. Jan. 16, 1992); *In re Complaints and Petitions Submitted by John Robert Demos* (W.D. Wash. Dec. 15, 1982). Furthermore, under 28 U.S.C. § 1915(g), plaintiff must demonstrate “imminent danger of serious physical injury” to proceed IFP because he has had more than three prior actions dismissed as frivolous, malicious, or for failure to state claim. *See Demos v. Lehman*, MC99-113-JLW (W.D. Wash. Aug. 23, 1999).

Plaintiff has already filed three proposed § 1983 actions this year. *See Demos v. U.S. Attorney General*, No. C19-59-JCC (W.D. Wash.); *Demos v. U.S. Attorney General*, No. C19-392-RSM (W.D. Wash.); *Demos v. Satterberg*, No. C19-396-JCC (W.D. Wash.). Accordingly, the instant action is barred by order of this District and the Court recommends that it be DISMISSED without prejudice. *See In re John Robert Demos*, MC91-269-CRD (W.D. Wash. Jan. 16, 1992); *In re Complaints and Petitions Submitted by John Robert Demos* (W.D. Wash. Dec. 15, 1982). A proposed order accompanies this Report and Recommendation.

Objections to this Report and Recommendation, if any, should be filed with the Clerk and served upon all parties to this suit within **twenty-one (21) days** of the date on which this Report and Recommendation is signed. Failure to file objections within the specified time may affect your right to appeal. Objections should be noted for consideration on the District Judge’s motions calendar for the third Friday after they are filed. Responses to objections may be filed within **fourteen (14) days** after service of objections. If no timely objections are filed, the matter will be ready for consideration by the District Judge on **December 27, 2019**.

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1 Dated this 4th day of December, 2019.

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4 Mary Alice Theiler
United States Magistrate Judge
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